IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 10TH OCTOBER 2007 / 8TH ASWINA 1929

WP(C).No. 28159 of 2007(B)

PETITIONER:

SUNIL.N.K.,S/O.NADUVATH MANAKKAL-
KRISHNAN NAMBOODIRI,R/AT.NAGPUR MEDICINE P.G. IIND YEAR,ROOM NO.167,H.O.QUARTERS,GOVT.MEDICAL COLLEGE NAGPUR,REP.BY P/A HOLDER KRISHNAN NAMBOODIRI, THIRUVEGSPURA,OTTAPPALAM TK.,PALAKKAD DT. NOW R/AT NADUVATH MANA, WEST NADA, GURUVAYOOR.

BY ADV. SRI.V.M.KRISHNAKUMAR
SMT.P.A.ANITHA

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE, SECRETARIAT, THIRUVANANTHAPURAM.

2. REVENUE DIVISIONAL OFFICER, THRISSUR.

BY GOVERNMENT PLEADER SRI. P.K. BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C). 28159/2007

Dated this the 10th day of October, 2007

JUDGMENT

An application was made by the petitioner for conversion of tax free land into taxable land. The said application was rejected by Ext.P4, after conducting an enquiry. In Ext.P4 it has been stated by the second respondent that the Malabar Land Registration Act has been repealed and therefore request could not be considered.

2. However, petitioner has produced Ext.P5, a communication of the first respondent to the effect that although a Bill was introduced for repealing the said Act, the bill has not come into force and that the Act is still in force. On the strength of Ext.P5 communication to the petitioner, it was revealed that the Act is still in force. It was accordingly that Ext.P6 application was made for a reconsideration of the Ext.P4. It is submitted that orders pursuant to Ext.P6 have not been passed and in such circumstances writ petition has been filed praying to

quash Ext.P4 and to direct the second respondent to pass orders on Ext.P6 in the light of Ext.P5.

3. I heard the learned counsel for the petitioner and the learned Government Pleader.

4. The only basis on which Ext.P4 has been issued is that the Malabar Land Registration Act had been repealed. That reason seems to be incorrect in the light of Ext.P5. Therefore, the basis on which Ext.P4 has been issued is proved to be incorrect. Petitioner is justified in applying for reconsideration of the matter, which has been done as per Ext.P6, which is pending consideration before the second respondent.

5. Therefore, I dispose of this writ petition directing the second respondent to consider Ext.P6 and pass appropriate orders thereon with notice to the petitioner, as expeditiously as possible at any rate within a period of six weeks from the date of receipt of a copy of this judgment.

6. Petitioner shall produce a copy of this judgment before the second respondent for compliance.

ANTONY DOMINIC
Judge

mrcs